

FINAL STATEMENT OF REASONS

c) Local Mandate Statement

The California Department of Social Services (CDSS) has determined that these regulations do not impose a mandate upon local agencies. These regulations only impact licensees that make the business decision to pursue licensure as a Community Crisis Home (CCH).

d) Statement of Alternatives Considered

In developing the regulatory action, CDSS did not consider any other alternatives because the Legislature, through the above mentioned bill, mandates the Department's oversight of these facilities and no alternatives were proposed. The CDSS, through working with the California Department of Developmental Services (DDS), determined that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

e) Statement of Significant Adverse Economic Impact On Business

The CDSS determined that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the proposed regulatory action, which was designed to impact only the licensees that make the business decision to serve clients who present behavioral issues and are in need of crisis intervention services. The authorizing statutes permit but do not require the establishment of CCHs. There is no requirement for licensees to work with clients who present behavioral issues and are in need of crisis intervention services.

Any new costs specific to this subcategory of Adult Residential Facilities are being covered by DDS as established in their Title 17, section 59022 regulations on rates. Rates established by DDS will offset any increase in expenses a Licensee incurs as a result of operating a CCH. The provisions in these Title 22 regulations do not create any new cost outside of what has been created by the Title 17 regulations and, therefore, have no adverse economic impact on the businesses.

i) Testimony and Response

These regulations were considered as Item #1 at the public hearing held on November 22, 2017, in Sacramento, California. Written testimony was received from the following during the 45-day comment period from October 6, 2017 to 5:00 p.m. on November 22, 2017.

Comments from the Disability Rights California (DRC)

1. Section 85168.1

Comment:

The DRC would like to add the following statement in this section: "the regional center shall notify the clients' rights advocate when a consumer is admitted to a Community Crisis Home, and of all Individual Behavior Supports Team meetings. The clients' rights advocate shall be entitled to participate in all such behavior supports team meetings unless the client objects on his or her own behalf."

Response:

Thank you for your comment. Regional centers are nonprofit private corporations that contract with the DDS to provide or coordinate services and supports for individuals with developmental disabilities. The proposed regulations apply to the CCHs licensed by CDSS and do not govern regional centers. In other words, CDSS does not maintain jurisdiction over regional centers and cannot regulate the responsibilities of the regional centers. Therefore, DRC's proposed amendment cannot be included in the proposed regulations.